

FEDERAL PUBLIC DEFENDER

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BARRY J. PORTMAN
Federal Public Defender

May 15, 2008

Hon. Susan Illston
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: United States v. Martearena-Arriola
CR-08 272 SI

Dear Judge Illston:

I spoke with Ms. Sutton this morning about scheduling a date for hearing pre-trial motions and she suggested I write you.

My client is set for a jury trial before Your Honor on June 30th with a pre-trial conference on June 24th. He is charged with one count of illegal re-entry, 8 U.S.C. 1326 based on five deportations. I hope to bring a motion to dismiss the indictment based on the invalidity of the deportations. The tapes of the immigration proceedings are necessary for the preparation of these motions. The tapes of two proceedings have been provided in past three days. The government indicates that it will take up to two weeks to provide the tape of the only other proceeding which it says was recorded. I also may move to suppress some or all of my client's statements once the government has alerted me as to which statements it intends to use at trial. I hope to have those motions on file on June 10th. If I cannot do so I will make a motion to continue the trial date.

I've discussed this proposed schedule with AUSA Lara Kroop and she is agreeable.

Respectfully submitted,


Barry Portman
Counsel for the Defendant

cc: AUSA Lara Kroop